

Part 4

Secure Facilities

62A-7-401.5 Secure facilities.

- (1) The division shall maintain and operate secure facilities for the custody and rehabilitation of youth offenders who pose a danger of serious bodily harm to others, who cannot be controlled in a less secure setting, or who have engaged in a pattern of conduct characterized by persistent and serious criminal offenses which, as demonstrated through the use of other alternatives, cannot be controlled in a less secure setting.
- (2) The director shall appoint an administrator for each secure facility. An administrator of a secure facility shall have experience in social work, law, criminology, corrections, or a related field, and also in administration.
- (3)
 - (a) The division, in cooperation with the State Board of Education, shall provide instruction, or make instruction available, to youth offenders in secure facilities. The instruction shall be appropriate to the age, needs, and range of abilities of the youth offender.
 - (b) An assessment shall be made of each youth offender by the appropriate secure facility to determine the offender's abilities, possible learning disabilities, interests, attitudes, and other attributes related to appropriate educational programs.
 - (c) Prevocational education shall be provided to acquaint youth offenders with vocations, and vocational requirements and opportunities.
- (4) The division shall place youth offenders who have been committed to the division for secure confinement and rehabilitation in a secure facility, operated by the division or by a private entity, that is appropriate to ensure that humane care and rehabilitation opportunities are afforded to the youth offender.
- (5) The division shall adopt, subject to approval by the board, standards, policies, and procedures for the regulation and operation of secure facilities, consistent with state and federal law.

Renumbered and Amended by Chapter 13, 2005 General Session

62A-7-402 Aiding or concealing youth offender -- Trespass -- Criminal penalties.

- (1) A person who commits any of the following offenses is guilty of a class A misdemeanor:
 - (a) entering, or attempting to enter, a building or enclosure appropriated to the use of youth offenders, without permission;
 - (b) entering any premises belonging to a secure facility and committing or attempting to commit a trespass or damage on those premises; or
 - (c) willfully annoying or disturbing the peace and quiet of a secure facility or of a youth offender in a secure facility.
- (2) A person is guilty of a third degree felony who:
 - (a) knowingly harbors or conceals a youth offender who has:
 - (i) escaped from a secure facility; or
 - (ii) absconded from:
 - (A) a facility or supervision; or
 - (B) supervision of the Division of Juvenile Justice Services; or
 - (b) willfully aided or assisted a youth offender who has been lawfully committed to a secure facility in escaping or attempting to escape from that facility.
- (3) As used in this section:

- (a) a youth offender absconds from a facility when he:
 - (i) leaves the facility without permission; or
 - (ii) fails to return at a prescribed time.
- (b) A youth offender absconds from supervision when he:
 - (i) changes his residence from the residence that he reported to the division as his correct address to another residence, without notifying the Division of Juvenile Justice Services or obtaining permission; or
 - (ii) for the purpose of avoiding supervision:
 - (A) hides at a different location from his reported residence; or
 - (B) leaves his reported residence.

Renumbered and Amended by Chapter 13, 2005 General Session

62A-7-403 Care of pregnant youth offender.

- (1) When a youth offender in a secure facility is pregnant, the division shall ensure that adequate prenatal and postnatal care is provided, and shall place her in an accredited hospital before delivery. As soon as her condition after delivery will permit, the youth offender may be returned to the secure facility.
- (2) If the division has concern regarding the youth offender's fitness to raise her child, the division shall petition the juvenile court to hold a custody hearing.

Renumbered and Amended by Chapter 13, 2005 General Session

62A-7-404 Commitment -- Termination and review.

- (1) A youth offender who has been committed to a secure facility shall remain until the offender reaches the age of 21, is paroled, or is discharged.
- (2) A youth offender who has been committed to a secure facility shall appear before the authority within 90 days after commitment, for review of treatment plans and establishment of parole release guidelines.

Renumbered and Amended by Chapter 13, 2005 General Session